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PLAINTIFFS

DEFENDANTS

UNITED STATES OF AMERICA

TIARA FURNITURE, INC.;
~~GEORGE C. LITTLEJOHN, AND~~
ROBERT L. DOW

Jane Littlejohn, Executrix
of the Estate of George C.
Littlejohn, deceased
Substituted 1-5-78

CAUSE

TITLE 28, U.S.C., SECTION 1345 AND
TITLE 15, U.S.C., SECTION 634(b)

FORECLOSURE OF NOTE AND GUARANTY ON BEHALF OF THE SMALL BUSINESS
ADMINISTRATION.

ATTORNEYS

Kenneth Snoke
~~Nathan G. Graham, US Atty~~
ROBERT P. SANTEE
ASSISTANT U. S. ATTORNEY
TULSA, OKLAHOMA 74103

918-581-7463

Fred S. Nelson
805 NBT Bldg.
Tulsa, Oklahoma 74103
Atty. for Littlejohn 585-9157
B. Hayden Crawford (R. L. Dow)
1714 First National Bldg.
Tulsa, Ok 74103 (587-1128)
Fred S. Nelson, Lee R. West
James C. Hodges (Geo. Littlejohn)
HALL, ESTILL, HARDWICK, GABLE,
COLLINGSWORTH & NELSON
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, OK 74103 588-2653-2674

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-1-75
				JS-6	11-1-80

B

PROCEEDINGS

DATE	NR.	
6-18-75	1.	Complaint filed, summons issued. mm
7-8-75	2.	MOTION to Dismiss, filed. by deft. George Littlejohn. jj
7-8-75	3.	MEMO. in Support of Deft's Mtn. to Dismiss, filed. jj
7-10-75		MO: It is Ordered by the Court that the pltf. file a responsive brief within 10 days to the deft's Mtn. to Dismiss, (AEB-J)jj
7-16-75	4.	Deft. Rbt. L. Dow's MOTION to dismiss, filed. (Memo. in support filed 7-8-75) b
7-16-75	MO:	It is ordered by the Court that the Pltf. file a responsive brief within 10 days to deft. Dow's motion to dismiss (AEB-J)b ltr mld
7-17-75	5.	Brief in opposition to Deft.'s Mot. to Dismiss, filed. v
7-23-75	6	Pltf's response to deft' Dow's Motion to Dismiss.
7-31-75		US Marshals service returned and executed on Robert L. Dow by serving Mrs. Dow at 836 Louisiana Ave, New Orleans, La. on 6-20-75 W/fees of \$3.96, filed. mm
7-31-75		US Marshals service returned and executed on Tiara Furniture, Inc. by serving Mrs. R. L. Dow, 836 Louisiana Ave, New Orleans, La on 7-21-75 W/fees of \$4.44, filed. mm
7-31-75		US Marshals service returned and executed on George C. Littlejohn, at Rm 908, NBT Bldg., 4th & Boston, Tulsa on 6-19-75 W/fees of \$4.56, filed. mm
8-6-75	7.	Response to Plfts. Brief in Opposition to Defts. Littlejohn's Motion to Dismiss, filed. mm
8-25-75	MO	Case referred to Mag. Bradford re pending mots. for F&R. (AEB-J)k
11-20-	MO:	Case set for hearing before Mag. Bradford on Deft. Geo. C. Littlejohn's motion to dismiss & deft. Robert L. Dow's motion to dismiss, on 12-9-75, 3:00 P.M. (MLB:Mag)b
11-19		Case called for hearing motion of Deft. Geo. C. Littlejohn's motion to dismiss & deft. Robert L. Dow's motion to dismiss before Mag. Bradford. Hearing passed to next motion docket on request of counsel for Deft. and concurrence of U. S. Atty. (MLB-Mag)b
12-9	-	Case called for hrg. on Deft. Geo. Littlejohn's mot. to dismiss and Deft. Rbt. Dow's mot. to dismiss. Parties present. Defts.' mots. are denied. Pltf. to prepare formal order and F/R w/in 5 das. (MLB-Mag)v
12-15	8.	Findings and Recommendations of the Magistrate, filed. Recommends that the mots. to dismiss filed by Defts. Littlejohn and Dow be denied. (MLB-Mag)k cps mld
<u>1976</u>		
1-6	9.	Order, filed that mots. to dismiss filed by Defts. Littlejohn and Dow be dismissed. (AEB-J)ph cps. mld.
1-21-76	10	Application for Filing Deft. George C. Littlejohn's Ans. out of time, filed. tc O-J
1-26	--	Order, filed as part of appl., granting Deft. G. Littlejohn permission to file his ans. out of time. (AEB-J)v cps. mld.
1-26	11.	Ans. of Deft. George C. Littlejohn, filed, with cross-claim against deft. Robert Dow. v
2-2-76	12	Appl. by the Deft. Robert L. Dow for the filing of his ans. out of time, filed. t (Order apart of appl. to J)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
United States of America		Tiara Furniture, Inc., etal	PAGE 2x8 OF 2 PAGES
DATE	NR.	PROCEEDINGS	
1976 2-9 2-9	13	Order (part of appl.) granting leave tofile answer out of time, filed. (AEB-J)g Answer of Robert L. Dow, and Answer to Crossclaim of George C. Littlejohn, filed. g	
6-22	MO:	Parties are directed to hold PT conf. on or before 8-5-76 & file PT Order on or before 8-11-76. (AEB-J)k ntc by cert ml	
8-11	14	Notice to take deposition of Ray H. Enyart on 9-1-76 at Miami, Okla., filed.s	
8-11	15	Defts. George C. Littlejohn and Robert L. Dow's proposed PT order, filed.s	
8-11	16	Pltf's proposed PT order, filed.s	
8-16		U.S.Marshals service ret. & filed. Served Subpoena Duces Tecum by personally serving Ray Enyart.jj	
8-19	17	Deft. George C. Littlejohn's Motion for leave to file amended answer, filed. b	
8-19	18	Brief in support of Deft. Littlejohn's motion, filed. b	
8-19	MO:	It is Ordered by the Court that Pltf. file response to Deft Littlejohn's motion for leave to file amended answer, w/in 10 days from this date.(AEB-J)b ltr mld	
8-26	19	Pltf's response to deft. Littlejohn's mot. to file amended answer, filed.k	
8-26	20	Order, filed, granting deft. Littlejohn leave to file amended ans. & cross-claim within 5 days. (AEB-J)k cps mld	
8-26	21	Amended answer of deft. George C. Littlejohn with cross-claim against deft. Robert L. Dow, filed.k	
8-31	22	Deft. George C. Littlejohn's first set of interrogatories to the Pltf., filed.s	
9-27		Deposition of Ray H. Enyart taken on 9-1-76 at Miami, Okla., by G. C. Freeman, Jr., CSR, with fees of \$160.60, filed.s	
10-6	23	Pltf's ans. to Deft. George C. Littlejohn's interrogs., filed.s	
10-26	MO:	Case set for Non-Jury on 11-29-76 at 10:00 a.m. (AEB-J)n nts by cert. ml w/affid.	
10-28	24.	Deft. Littlejohn's mot. for Order compelling pltf. to answer interrogs, filed.k	
10-28	MO	It is ordered by the Court that the pltf. file a responsive brief within 10 days to deft. Littlejohn's mot. to compel. (AEB-J)k cps mld	
10-29	25.	Pltf's appl. for continuance of non-jury trial setting of 11-29-76, and request for time til 11-29-76 to respond to deft. Littlejohn's mot. to compel, filed.k O to J	
11-3	26.	Order, filed, striking case from 11-29-76 trial setting. Further ordered that pltf. is granted til 11-29-76 to respond to deft. Littlejohn's mot. to compel. (AEB-J)k cps mld	
12-14	27.	Pltf's response to deft. Littlejohn's mot. to compel, filed.k	
12-17	28.	Order, filed, motion for order compelling pltf. to ans. interrogs is overruled. (AEB-J)lm cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
		B	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
1-18	MO	Case set for non-jury trial on 2-22-77 at 10:00 a.m. (AEB-J)s ntc. by cert. ml w/affid.	
2-10	29.	Deft. George C. Littlejohn's mot. for partial S/J, filed.s	
2-10	30.	Deft. Littlejohn's brf. in support of mot. for S/J, filed.s	
2-10	MO	It is ordered by the Court that the Pltf. file a responsive brf within 10 days to Deft. Littlejohn's mot. for partial S/J.s (AEB-J) cps. mld.	
2-14	31.	Deft. George C. Littlejohn's application for continuance, filed.s 0 to J	
2-15	32.	Order, filed, for continuance - to be set at a later date. (AEB-J)lm	
2-22	33	Brief of the U.S.A. in response to deft. George C. Littlejohn's motion for partial summary judgement. fld ho	
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J) njb	
5-20	MO	Case set for hrg. before Mag. on deft. Littlejohn's motion for partial S/J on 5-31-77 at 11:10 a.m. (RSR-Mag)k ntc by KT	
5-31	Min	Case called for hrg. on deft. Littlejohn's mot. for partial S/J. Pltf. & deft. Littlejohn represented. Pltf. & deft. counsel given 7 days to file additional memorandums of authority, following which time Findings and Recommendations will be filed by the Magistrate. (RSR-Mag)k	
6-6	34	Pltf. memorandum concerning Certificate of Interest, document presented at hearing before Mag. Robert S. Rizley. fld. ho	
6-7	35.	Deft. Littlejohn's memorandum of additional authority, filed. b	
9-2	36	Deft. Littlejohn not. to take depo. of Robert L. Dow on 9-20-77 in Tulsa, fld. ho	
9-2	37	Deft. Littlejohn mot. to enlarge record. fld. ho 0 to J.	
9-2	38	Deft. Littlejohn suggestion of death upon the record. fld. ho	
9-6	39.	Order, filed, granting deft. Littlejohn leave to submit evidentiary materials obtained by taking deposition of Robt. Dow on 9-20-77 in support of mot. for S/J. (RSR-Mag)k cps mld	
10-5	40	Pltf. mot. to substitute parties and notice of hrg. on 10-21-77 at 9:30 a.m. before Mag. Rizley. fld. ho	
10-14	41	Pltf. mot. to substitute parties and notice of hrg. on 11-10-77 at 9:30 a.m. before Mag. Rizley. fld. ho	
10-18		Ret. of USM service of mot. to substitute parties & Notice, fld. Unserved Jane Littlejohn. (USM \$3.36) ho	
10-20	42	Deft. Littlejohns additional authorities in supp. of mot. for partial S/J. fld. ho	
10-26		Depo. of Robert L. Dow taken on behalf of Deft. Littlejohn on 9-20-77 befor Evelyn E. Rutherford, CSR, w/fees of \$202.50 pd. by Deft. fld. ho	
10-28	MO	Case set for hrg. before Mag. on pltf's mot. to substitute parties and notice of hrg. on 11-10-77 at 9:30 a.m. (RSR-Mag)k ntc by KT	
10-31	--	Return on USM service of pltf's mot. to substitute parties & notice, filed. Served Jane Littlejohn on 10-25-77 at Dillion, Montana, w/fees of \$7.24.k	
11-10	43	Pltf.s response to the additional authorities fld. in supp. of Deft. Littlejohns mot. for S/J. fld. ho	
11-10	Min	Case called for hrg. on pltf's mot. to substitute parties and ntc of hrg. Appearance and argument waived by parties. Recommended that mot. be sustained. Pltf. counsel to prepare order w/12-10-77 (RSR-Mag)k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF

United States of America

DEFENDANT

Tiara Furniture, Inc., et al

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1977		
12-20	44	Findings & Recommendations of Magistrate, filed. (RSR-Mag) b cps mld
1978		
1-5	45.	Order, filed, that Jane Littlejohn, Executrix of the Estate of George C. Littlejohn, is substituted as a party deft. in place of George C. Littlejohn, deceased. (AEB-J)k cps mld
3-24	MO	Mag. recommends that deft. Littlejohn's mot. for partial S/J be overruled & pltf. is directed to prepare F&R of the Mag. and a proposed order w/in 10 days. (RSR-Mag)k cps by KT
5-18	46	Findings & Recommendations of the Mag., filed. Mag. recommends that deft. Littlejohn's mot. for partial S/J should be sustained and overruled in parts. (RSR-Mag)k cps mld
8-3	47.	Order, filed, that deft. mo/partial SJ be overruled in part and sustained in part. (AEB-J)rm-copies mailed
8-24-	MO:	Case is set for non-jury trial on 9-18-78, at 10:00 A.M. (AEB-J)b nts cert w/affid
9-14	--	Ret. of USM service of sub., fld. served John L. Burford on 9-13-78 in Miami, OK; & Ray Enyart on 9-13-78 in Miami, OK. (USM \$26.08)ho
9-14	48	Deft. Littlejohn's appl. for continuance of non-jury trial set for 9-18-78 at 10:00 a.m., filed.k o to J
9-14	49	Order, filed, striking case from 9-18-78 non-jury trial docket, to be set at a later date. (AEB-J)k cps mld
9-15	MO:	Case is set for non-jury trial on 10-16-78, at 10:00 A.M. (AEB-J)b mld cert w/affid
10-2	--	Ret. of USM service of sub., fld. served John L. Burford & Ray Enyart on 10-2-78 in Miami, OK. (USM \$25.60)ho
10-6	50.	Witnesses to be presented by deft. Jane Littlejohn at trial, filed.k
10-11	MO:	IT IS ORDERED that this case is stricken from the non-jury docket set for 10-16-78, to be reset on the next n/J docket. (AEB-J)b nts mld & phoned
10-17	MO:	Case is set for non-jury trial on 11-20-78, at 10:00 A.M. (AEB-J)b nts cert w/affid
11-9	MO	IT IS ORDERED that this case is stricken from the non-jury docket set for 11-20-78 at 10:00 a.m., to be reset on order of the Court. (AEB-J)k ntc mld
11-15	--	Ret. of USM service of sub., fld. served John L. Burford on 11-9-78 in Miami, OK; Ray Enyart on 11-9-78 in Miami, OK. (USM \$25.60)ho
12-5	MO:	Case is set for non-jury trial on 1-15-79, at 10:00 A.M. (AEB-J)b nts cert w/affid
1979		
1-2		USM service of subs., ret. & fld: served Ray Enyart and John L. Burford, Miami, Ok. on 12-28-78. (USM \$26.08)g
1-12	51	Deft. Jane Littlejohn trial brief, fld. ho
1-16-79	MO:	IT IS ORDERED that this case is stricken from non-jury docket set 1-15-79, & reset on non-jury docket of 2-20-79, 10:00 A.M. (AEB-J)b nts mld
1-17	52	Deft. Robert L. Dow trial brief, fld. ho

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
U.S.A.		Tiara Furniture, Inc., et al	PAGE ____ OF ____ PAGES
DATE 1979	NR.	PROCEEDINGS	
2-20-79	MO:	Non-jury trial stricken from dkt. this date, due to illness of Judge Barrow. Parties advised to contact this office on 2-26-79, for new setting. (AEB-J)b nts by phone	
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
3-27	MO	CASE SET FOR PT HRG. 4-30-79 at 9:00 A.M.; disc. to be completed by 4-20-79; PT memo or order due 4-23-79. (HDC-J)k cps mld	
4-24	53	Deft. Littlejohn's proposed PTO, filed.k	
4-27	54.	Pltf's proposed PTO, filed. hm	
4-30	MO:	Pre-trial hrg. held. Statements made. Parties to prepare & file stip. of facts & PTO within 30 days & case to be tried on matters in dispute. Parties announce discovery is complete. Case to be set for non-jury trial. (HDC-J)hm	
7-5		PTO submitted ho	
7-5	55	PRE-TRIAL ORDER. (HDC-J)b	
7-20	MO:	CASE IS TRANSFERRED TO JUDGE HOWARD C. BRATTON (HDC-J)b	
7-20	MO:	NON-JURY TRIAL set 7-30-79, 9:30 A.M. Sugg. F/F & conclus. of law & trial briefs due 7-27-79. (HCB-J)b nts mld	
7-20	-	CASE FILE & ALL PLEADINGS MLD TO JUDGE HOWARD C. BRATTON ON THIS DATE. b	
7/23			
7/24	MO:	Counsel directed to meet with the Court at 9:00 A.M. on 7/30/79 in chambers for a trial conference. (HCB-J)v -ltr mld. w/docket.	
7/26	MO:	At request of parties because of health of a Deft.'s witness, the Court continues the Non-Jury Trial setting of 7/30/79 to be reset at a later date. (HCB-J)v -parties notified by phone.	
7-26	56	APPL. of deft. Littlejohn for continuance of 7-30-79 non-jury trial setting.k -(O)- see minute order, above entry.	
7/30	MO:	Case transferred to Judge Cook. (HCB-J)v c/m	
11-9	MO:	CASE TRANSFERRED TO JUDGE JAMES O. ELLISON. (JCS-CLK)jc	
12-17	MO:	NON-JURY TRIAL set 2-4-80, 9:30 A.M. Trial briefs & suggested F/F & C/L due 1-28-80. (JOE-J)b nts mld	
1980			
1-22	57	APPLICATION of deft Dow to continue trial.ra (O)	
1-24	58	ORDER that trial of 2-4 is CONTINUED TO 2-11-80 at 9:30 a.m. (JOE-J)ra c/m (Case to be called on 2-11, but will actually go to trial only when trailing docket of 2-4 has finished)	
2-6		USM RETS. on subs: served John L. Burford & Ray Enyart 2/5/80. (\$28.72)g	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
U.S.A		Tiara Furniture, et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1980			
2-12	Min.	NON-JURY TRIAL held. 2-11 & 2-12-80. Rule invoked. Opening statements made & Pltf. pres case. Pltf. exhibits admitted. Pltf. rests. Defts' mot/dismissal argued & taken under advisement. Deft. pres. case, & exhibits admitted. Ct. denies mot/dismissal. Closing arguments mde. Parties will be allowed to file sugg. F/F & C/L if desired. Ct. will enter F/F & C/L & Judgment.(JOE-J)b	
2-11	59	WITNESS LIST of Deft. Littlejohn. b	
2-12	60	PROPOSED F/F & C/L of Deft. Littlejohn. b	
2-12	--	TRIAL EXHIBITS. (2 envelopes) b	
2-20	61	PROPOSED F/F & C/L of Pltf. b	
2-26	MO:	Deft. is allowed to 2-29-80 to respond to Pltf's prop. F/F & C/L. Pltf. given to 3-7-80 to respond to response.(JOE-J)b n/m	
2-29	62	RESPONSE of deft. Littlejohn to pltf's proposed F&C.k	
10-23-	63	F/F & C/L (JOE-J)b c/m	
10-23-80	64	ORDER ENTERED, that Judgment be granted in favor of Pltf. & against defts Littlejohn & Dow in amt. of \$21,015.59 (JOE-J)b c/m	
12-19	65	NOTICE of APPEAL filed by pltf, USA.am	
<u>1981</u> <u>1-7</u>	---	LETTER from 10th Cir., assigning No. 81-1003. rm	
1-19	66	NOTICE of transcript order (est. compl. date 3/5/81)rm-c/m USCA	
1-22	---	Copy of ltr. from 10th Cir. to appellant that appeal will be dismissed if compliance not made by 1/24/81. rm	
1-22	67	EX PARTE designation of record by pltf. rm	
1-22	68	JOINT designation of record on appeal.rm	
3-23	69	ORDER from 10th circuit that mot/dismiss is granted & appeal is dismissed.am	
3-26	--	DEPOSITIONS of Robert Dow & Ray Enyart returned to deft. counsel.hm	
5-4	70	RELEASE AND SATISFACTION OF JUDGMENT. nd	
5-7	71	NOTICE to Clerk re satisfaction of judgment. hm	
<u>1983</u> <u>3-2</u>	--	EXHIBITS returned to counsel. hm	

